

ORDINANCE NO. 8-2010

AN ORDINANCE REGULATING EVENTS HELD FOR MINORS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA that Ordinance No. 4-2010 is hereby repealed in its entirety and replaced with the following:

Section 1. Findings by the City Council of the City of Montgomery, Alabama.

The City Council (herein called "Council") of the City of Montgomery, Alabama (herein called "City"), in the State of Alabama, does hereby find and declare that unregulated parties, events, and social gatherings held for minors in the City of Montgomery poses a significant risk to the health and safety of the community and to certain minors.

Section 2. Definitions.

In this article:

(A) *Event held for minors* shall mean any gathering of individuals in or at a rental hall within the corporate limits of the City of Montgomery, Alabama which includes fifty (50) or more individuals under the age of nineteen (19), and to which individuals who are seventeen (17) years of age or younger are allowed entrance and or participation. For the purposes of this ordinance, an event held for minors shall only include those events described above for which the promoter is required to have a business license.

(B) *Rental Hall* shall mean any building, room, hall, establishment, facility, or location held for hire, rent, lease, or otherwise allowed to be used by a promoter on an occasional, non-recurrent basis for the purpose of holding an event held for minors, and for which use a business license is required.

(C) *Promoter* shall mean any person who promotes, organizes, plans, sells tickets or passes for, grants admittance to, profits from, or applies for a permit to hold an event held for minors. A promoter shall include the chief executive officer, manager, managing partner or member of any corporation or entity which is engaged in promoting, organizing, planning, selling tickets or passes for, granting admittance to, profiting from, or applying for a permit to hold an event held for minors. A promoter shall include the promoter itself and any successors in interest whether individual or corporate.

(D) *Person in control of an event held for minors* shall mean any person who is present at an event held for minors and who is managing or directing the event, or otherwise has the authority to open or close the event, or control which individuals may or may not gain access to the event.

(E) *Fire Marshal* shall mean the Fire Chief of the Montgomery Fire Department or any person designated by him for the purposes of enforcing this ordinance and shall include all members assigned to the Inspections and Investigative Division of the Montgomery Fire Department.

(F) *Uniformed Security Guard* shall mean either a security guard who possesses a current and valid certification card issued by the Alabama Security Regulatory Board, a security guard who is specifically exempted by state law from having to possess such a certification card, or a sworn law enforcement officer who possesses a current certification by the Alabama Peace Officers Standards Training Commission.

### Section 3. Regulation.

(A) It shall be and is hereby declared unlawful for any event held for minors to be held between the hours of 12:00 midnight and 6:00 a.m.

(B) It shall be and is hereby declared unlawful for any person to hold an event held for minors between the hours of 6:00 p.m. and 12:00 midnight without having first obtained a permit from the City Clerk of the City of Montgomery as prescribed herein.

(C) It shall be and is hereby declared unlawful within the corporate limits of the City of Montgomery for any person to refuse to comply with the direction of a police officer or fire marshal of the City of Montgomery given for the purpose of shutting down an event held for minors as set out in Section 4(C) below.

(D) It shall be and is hereby declared unlawful for any person to let, rent, lease, or otherwise allow a promoter to hold an event held for minors in, upon, or about premises owned, controlled, or managed by him or her unless that promoter has first obtained a permit as required by Section 5 herein.

(E) It shall be and is hereby required that a promoter for an event held for minors shall be responsible for securing and maintaining the services of a minimum of one uniformed security guard per twenty-five individuals present at an event held for minors at all times, and shall ensure that the said requisite number of uniformed security guards are present throughout the entire event. For the purposes of compliance herewith, all uniformed security guards shall, while present at the event held for minors, wear a uniform which clearly marks them as either security guards or sworn police officers and which shall include a badge or shield clearly displayed on the front of the upper torso.

**Section 4. Enforcement; penalties.**

(A) Any person found to have been in control of an event held for minors which violates any provision of Section 3 above shall be guilty of a violation and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the city jail for a period not exceeding six months, or by any combination thereof.

(B) Any promoter of an event held for minors which is found to have been in violation of Section 3 above shall be guilty of a violation and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the city jail for a period not exceeding six months, or by any combination thereof.

(C) Any police officer or fire marshal of the City of Montgomery shall have the authority upon finding an event held for minors which is in violation of Section 3 herein to shut the event down, order that all individuals remove themselves from the situs of the event, and to take such action as is necessary to bar or prevent the return of the individuals to the situs of the event for the remainder of the calendar day on which the violation is found. Any person found to be in violation of Section 3(C) above shall be guilty of a violation and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the city jail for a period not exceeding six months, or by any combination thereof.

(D) Any person found to be in violation of Section 3(D) above shall be guilty of a violation and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the city jail for a period not exceeding six months, or by any combination thereof.

(E) The imposition of penalties hereunder shall not prevent the suspension or revocation of a license, permit, or franchise or other administrative or legislative action taken by the City of Montgomery.

**Section 5. Permits**

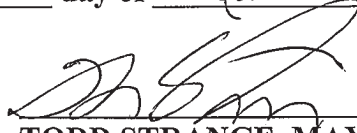
(A) The promoter of an event held for minors which is held between the hours of six o'clock (6:00) p.m. and twelve o'clock (12:00) midnight shall apply to the City Clerk of the City of Montgomery for a permit to hold the event at least fifteen (15) working days prior to the commencement of the event. For the purposes of this section, working days shall not include Saturdays, Sundays, or federally recognized holidays.

(B) The permit application shall be in a form provided by the City Clerk and shall contain the name and address of the promoter, the date and location of the proposed event, the opening and closing times of the event, the expected number of participants in the event, and the number of uniformed security guards which will be present during the event.

(C) Each permit application shall be approved by the Chief of Police or his designee, the Fire Chief or his designee, and the Revenue Administrator or his designee. A permit application shall be denied if either the applicant or the owner of the rental hall does not possess the appropriate business licenses. A permit application shall be denied if the expected number of participants exceeds the rental hall's calculated and posted occupancy load or if the rental hall does not meet the City of Montgomery's then current fire code or life safety code. A permit application shall be denied if either the promoter, applicant, or rental hall owner has ever been convicted of a class A felony (or an offense in another state which, if committed in Alabama, would be classified as a class A felony), an offense against a minor, an offense wherein a minor was the victim, or an offense of contributing to or aiding in the delinquency of a minor.

(D) No permit application submitted by a promoter shall be approved for an event held for minors which is scheduled to commence within sixty days of an event held for minors which has been shut down under the provisions of Section 4(C) and which was promoted or held by either the promoter submitting the application or a predecessor in interest to the promoter submitting the application. In the event that such a permit application is submitted, the applicant shall have the opportunity to be heard at the next regularly scheduled meeting of the Council, at which time said applicant shall show cause why the application should be approved. The City Clerk shall notify the applicant of said hearing by U.S. Mail at the address listed on the permit application. The applicant shall be allowed to have the permit application processed under the provisions of Section 5(A), 5(B), and 5(C) herein upon the majority vote of the Council. In the event that the promoter of an event held for minors which has been shut down under the provisions of Section 4(C) has already obtained permits to hold subsequent events held for minors which are scheduled to commence within sixty (60) days of such a shut down, the applicant shall have the opportunity to show cause why the said permit(s) shall not be revoked at the next regularly scheduled Council meeting, and shall be given the same notice as set out herein above.

ADOPTED this the 2<sup>nd</sup> day of March, 2010.

  
TODD STRANGE, MAYOR

ATTEST:

  
BRENDA GALE BLALOCK, CITY CLERK